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9 *Attorneys for Defendants*

10 **IN THE UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF WASHINGTON**
12 **AT SPOKANE**

13 STATE OF WASHINGTON,

14 Plaintiff,

15 v.

16 BETSY DEVOS, et al.,

17 Defendants.
18
19

Case No. 2:20-cv-00182-TOR

**DEFENDANTS' CONSENT MOTION
FOR AN EXTENSION OF TIME TO
RESPOND TO COMPLAINT**

NOTED FOR: August 19, 2020
Without Oral Argument

20 Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Rule 7 of the Court's
21 local rules, Defendants, Betsy DeVos, in her official capacity as Secretary of the United States
22 Department of Education, and the United States Department of Education (the Department),
23 respectfully request a 40-day extension of time, to and including August 28, 2020, to respond to
24 Plaintiff's complaint. The current deadline for that response is July 20, 2020. This is Defendants'
25 first request for an extension of time for this purpose. Undersigned counsel conferred with counsel
26 for Plaintiff, the State of Washington (Washington), about this request via e-mail; Washington
27 consented to this extension as part of an agreement the parties reached pursuant to which
28 Defendants will file the administrative record in this matter by August 7, 2020.

1 This extension is necessary because the parties are continuing to negotiate an appropriate
2 briefing schedule for the resolution of this case. Depending on the outcome of those negotiations,
3 the parties may agree to fold Defendants' response to the complaint into a broader summary-
4 judgement schedule, or otherwise defer that response pending summary judgment briefing. For
5 the same reasons, because this case presents only legal issues—which have already been
6 significantly developed through the parties' briefs—a delay in responding to the complaint will
7 not be prejudicial to Washington.

8 Accordingly, Defendants respectfully request that the Court grant this extension.

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10 DATED: July 20, 2020

Respectfully submitted,

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12 ETHAN P. DAVIS
13 Acting Assistant Attorney General
14 MARCIA BERMAN
Assistant Director, Federal Programs Branch

15 /s/ Alexander V. Sverdlov
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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of July, 2020, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing.

/s/ Alexander V. Sverdlov
ALEXANDER V. SVERDLOV